CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

OCTOBER 6, 2009

INVOCATION:
Pastor Tom Williams of Life Way Fellowship Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Cordero led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Patino, Zacarías, and Mayor Lavagnino.

MEMBERS ABSENT
Councilmember Orach.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Community Development Director Appel, Acting Fire Chief Jones, Utilities Engineer Kahn, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Snodgrass, Director of Recreation and Parks Posada, Police Chief Macagni, and Chief Deputy City Clerk Perez.

RESOLUTION RECOGNIZING DENISE WOMACK
Mayor Lavagnino read Resolution No. 2009-133 recognizing and commending Denise Womack upon her retirement as Finance Lead Clerk for the Administrative Services Department after more than 24 years of dedicated service and commitment to the City of Santa Maria and wishing her and her family continued good health and many years of happiness.

Resolution No. 2009-133 was adopted honoring Denise Womack on motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: None

Resolution No. 2009-133 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA RECOGNIZING AND COMMENDING DENISE WOMACK.

Denise Womack said she was deeply honored to receive the Resolution. She said it has been an interesting 24 years, and she enjoyed working with everyone.

PROCLAMATION – EMPLOYMENT DISABILITIES AWARENESS MONTH
Councilmember Zacarías read a proclamation declaring the month of October 2009 as "Employment Disabilities Awareness Month" in the City of Santa Maria and expressing thanks and appreciation to *The Opportunity Expo Coalition* for their many contributions to the community. The proclamation was accepted by Mary Hernandez, Vice President and Director of Pathpoint.

PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH
Councilmember Patino read a proclamation declaring the month of October 2009 as "Domestic Violence Awareness Month" in the City of Santa Maria and urging all residents to observe this month by becoming aware of the tragedy of domestic violence,

supporting those who were working toward its end, and participating in community efforts. The proclamation was accepted by Erin Neil, Domestic Violence Solutions.

PROCLAMATION – FIRE PREVENTION WEEK
Councilmember Cordero read a proclamation declaring the week of October 4 - 10, 2009, as "Fire Prevention Week" in the City of Santa Maria and urging all residents to protect their homes and families and stay fire smart. The proclamation was accepted by Acting Fire Chief Jeff Jones.

PROCLAMATION – PEACE WEEK
Councilmember Patino read a proclamation declaring the week of October 12 – 17, 2009, as "Peace Week" in the City of Santa Maria and encouraging all residents to participate in this year's activities. The proclamation was accepted by Chris Allcocer and members of the youth group from Fighting Back Santa Maria Valley.

PUBLIC COMMENT
Bob Ziener spoke about Columbus Day on October 12th and the flag ship Santa Maria. He talked about the need to construct a life size replica of the Santa Maria for the downtown area to establish a City identity.

Isaac Berumen, Latino Community Business Council, talked about the successful Fiesta Patrias event on September 11th and thanked the City for its help with the event.

Richard Dydell spoke about the need for a County ordinance for the H2A Ag Workers Program. He said his group was gathering signatures on petitions, and he would be requesting a City Council resolution in the future supporting that type of ordinance.

Richard Dydell introduced Sally Rodriguez and read a letter from her supporting more police traffic stops, especially at night. She was almost the victim of a serious accident by a drunk driver.

Ernest Armenta talked about the proposed ballot measure to increase salary and benefits for the Santa Maria Police Officers Association. He also talked about the POA supporting the Mayor and several Councilmembers in the last election. He said if the Police Officers were not satisfied with the pay they were getting, there were others in the Police Academy willing to take their jobs.

Kelly Van Allen, a teacher at Pine Grove Elementary, introduced Tiana Evans, a student in her class. Miss Evans stated she and another classmate raised over $41.00 for graffiti abatement and gave it to the Recreation and Parks Department of the City of Santa Maria.

Sister Janet Corcoran thanked the Council for its on-going support of Peace Week and thanked the People for Nonviolence Committee for their work in planning the Peace Week events. She said Peace Week reminds everyone that peace begins with each person.

CONSENT CALENDAR
Consent Calendar Items A through J were approved on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of September 15, 2009, were approved as submitted.

C. RELEASE OF BOND
The City Council accepted as complete the public improvements associated with Rose Garden Village, Tract 5725, Unit 2, and authorized the release of a Faithful Performance Bond in the reduced amount of $50,000 for the construction and installation of public improvements, with the order that the Contractor, Labor and Material Bond be retained until April 2010 and the Guarantee and Defective Material Bond be retained until October 2010.

D. RELEASE OF BOND
The City Council accepted as complete the public improvements associated with Bradley Square, Tract 5782, Phases 4, 6 and 7, and authorized the release of a Faithful Performance Bond in the reduced amount of $38,650 for the construction and installation of public landscaping and irrigation improvements including one-year maintenance.

E. RELEASE OF BONDS
The City Council accepted as complete the public improvements associated with West A Street Business Center, Tract 5879, Unit 2, and authorized the release of a Faithful Performance Bond in the reduced amount of $50,000 for the construction and installation of site utilities and traffic signal improvements, and a Faithful Performance Bond in the amount of $22,207 for the construction and installation of public improvements for Betteravia Road, with the order that the Contractor, Labor and Material Bonds be retained until April 2010 and the Guarantee and Defective Material Bonds be retained until October 2010.

F. WARRANTS
Warrant Nos. 153507 to 153956 totaling $2,894,305.04 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 146621, 148243 and 153728 were cancelled.

G. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

H. RESTRICTED PARKING
Resolution No. 2009-134 was adopted approving a parking restriction of vehicles over six feet in height along the northerly right-of-way of Carmen Lane from Thornburg Street to Depot Street.

Resolution No. 2009-134 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A PARKING RESTRICTION OF VEHICLES OVER SIX FEET IN HEIGHT ON WEST CARMEN LANE, PURSUANT TO SECTION 22507 OF THE CALIFORNIA VEHICLE CODE.

I. PASSENGER LOADING ZONE
Resolution No. 2009-135 was adopted approving a passenger loading zone along the southerly right-of-way of East Camino Colegio in front of Miller Elementary School.

Resolution No. 2009-135 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING ESTABLISHMENT OF A PASSENGER LOADING ZONE ON EAST CAMINO COLEGIO PURSUANT TO SECTION 7-5.05 OF THE SANTA MARIA MUNICIPAL CODE.

J. ORDINANCE NO. 2009-22

Second reading by title only of Ordinance No. 2009-22 was conducted adding Section 8-10.22.1, Meter Credits, and amending Section 8-10.05.01, State Water Reimbursement Fee, to implement a new 3/4" x 3/4" water meter size and the Ordinance was adopted.

Ordinance No. 2009-22 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING SECTION 8-10.22.1, METER CREDITS, AND AMENDING 8-10.05.01(b), STATE WATER REIMBURSEMENT FEE, OF THE SANTA MARIA MUNICIPAL CODE, TO ADD THE AUTHORITY TO ISSUE CREDITS FOR ¾" X ¾" WATER METERS AND ADD THE DWELLING UNIT EQUIVALENTS FOR ¾" X ¾" WATER METERS IN ORDER TO CHARGE A STATE WATER REIMBURSEMENT FEE.

GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR THE CITY OF SANTA MARIA FIRE STATION #5 LOCATED AT THE SOUTHEAST CORNER OF PREISKER PARK, 330 HIDDEN PINES WAY.

Director of Community Development Appel gave the staff report. The City Council is asked to consider a recommendation from the Planning Commission for review of a Negative Declaration of Environmental Impact, an amendment to the General Plan (Land Use) from ROS (Recreational Open Space) to CF (Community Facilities), and a zone change from OS (Open Space) to PF (Public Facilities). The project includes a Project Review Permit to allow the construction of a 6,688 square foot fire station on an approximately 1.2 acre portion of a 38.9 acre park site, located at the southeast corner of Preisker Park, 330 Hidden Pines Way, a portion of Assessor's Parcel No. 117-030-076. Fire Station #5 is the second of two new fire stations to be located in the northern area of the City. The new Fire Station #5 is part of the City Fire Department's Strategic Plan. This Fire Station would serve the northwest quadrant of the City. The second new Fire Station to be located on East Donovan Road would serve the northeast quadrant of the City. It was originally named Station #5 as that was the next sequential number for fire stations; however, it would really be #3 since the current Station #3 was moving to the new station. When all the permitting was completed, it would be changed to Fire Station #3.

At its regularly scheduled meeting on September 16, 2009, the Planning Commission adopted two resolutions recommending, on a 5-0 vote, that the City Council approve the Negative Declaration and approve the General Plan Amendment and Zone Change.

Mayor Lavagnino opened the Public Hearing. Hearing no requests to speak, Mayor Lavagnino closed the Public Hearing.

Resolution No. 2009-136 was adopted authorizing the filing of a Negative Declaration, E-2009-028, on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: None

Resolution No. 2009-136 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE NEGATIVE DECLARATION, E-2009-028, FOR THE SANTA MARIA FIRE STATION #5 PROJECT, GPZ-2009-001, U-2009-021(PR), A PORTION OF ASSESSOR'S PARCEL NO. 117-030-076, LOCATED AT THE SOUTHEAST CORNER OF PREISKER PARK, 330 HIDDEN PINES WAY.

Resolution No. 2009-137 was adopted amending the General Plan (Land Use Policy Map) of the 1.2 acre site from ROS (Recreational Open Space) to CF (Community Facilities) on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: None

Resolution No. 2009-137 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A GENERAL PLAN (LAND USE) AMENDMENT FOR THE SANTA MARIA FIRE STATION #5 PROJECT, GPZ-2009-001, ON A PORTION OF ASSESSOR'S PARCEL NO. 117-030-076, LOCATED IN THE SOUTHEAST CORNER OF PREISKER PARK, 330 HIDDEN PINES WAY.

Ordinance No. 2009-23 was introduced by title only for first reading and continued to the next meeting for second reading and adoption rezoning the 1.2 acre site from OS (Open Space) to PF (Public Facilities) on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: None

Ordinance No. 2009-23 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING PROPERTY FOR THE SANTA MARIA FIRE STATION #5 PROJECT, GPZ-2009-001, ON A PORTION OF ASSESSOR'S PARCEL NO. 117-030-076, LOCATED IN THE SOUTHEAST CORNER OF PREISKER PARK, 330 HIDDEN PINES WAY.

Councilmembers expressed excitement and joy at being able to build two new fire stations for the City.

City Manager Ness stated there were 8,000 applications submitted nationwide for this stimulus funding. Only 95 agencies received grants, and Santa Maria was the third highest funding in the nation and the most in California. The City received $4.3 million for two fire stations.

PROPOSITION 1A SECURITIZATION PROGRAM.
Director of Administrative Services Snodgrass gave the staff report. The City Council is asked to consider a request to approve the sale of the Proposition 1A receivable due from the State of California and approve the execution of a Purchase and Sale Agreement with California Statewide Communities Development Authority. Proposition 1A was passed by California voters in 2004 to ensure that local property tax and sales tax revenues remain with local governments. The passage of Proposition 1A effectively safeguards funding for public safety, health, libraries, parks and other local services. The Proposition does contain provisions to suspend Proposition 1A if the Governor declares a fiscal necessity and two-thirds of the Legislature concurs with the suspension. The emergency suspension of Proposition 1A occurred as a part of the Governor's efforts to solve the State of California budget deficit. The Governor signed legislation authorizing the State to borrow 8 percent of property tax due to cities, counties, and special districts, totaling $1.935 billion. The State is required to repay these obligations plus interest within three years, or by June 30, 2013. The receivable resulting from this action is a legal debt that may be sold in the debt market. To assist local governments, the California Communities established a Proposition 1A securitization program to sell the Proposition 1A receivable on the bond market. Securitizing means that local governments can sell the Proposition 1A Receivable to California Communities, which will then sell the combined receivable on the bond market. Local governments must decide to either wait until 2013 for repayment, while earning three years of interest income, or securitize the debt and receive the full receivable amount in 09-10.

Local governments that wish to participate in the Proposition 1A Securitization must submit the required documents to California Communities by November 6, 2009. However, the California State Legislature did not pass clean up legislation, entitled SB67, before the Legislature adjourned in September. This legislation authorizes local agencies to sell the

Proposition 1A receivable to a joint powers authority for an upfront payment of 100 percent of the lost property tax. It is expected that the Legislature will reconvene by mid-October and SB67 will be approved. Should the Legislature fail to pass SB67 and the bonds cannot be sold by December 31, 2009, all documents submitted to California Communities will be destroyed, the securitization process will stop, and local governments will wait until June 2013 to collect the amounts borrowed by the State, plus interest of two percent.

This year the City of Santa Maria will "loan" the State of California $1.5 million of property tax revenues. This $1.5 million reduction in revenues is in addition to the $2.9 million decrease in the City's sales tax revenues caused by the downturn in the economy. During the "2009-10 Mid-Cycle Budget Review," Santa Maria General Fund departments reduced operating appropriations by five percent to offset the expected reduction in revenues. Severe General Fund budget reductions occurred this year, so a loss of another $1.5 million loaned to the State will likely cause a reduction in General Fund services and programs.

Councilmember Patino expressed concern about the State honoring the requirement to pay all costs associated with the sale of the bonds.

Mayor Lavagnino stated his concern with waiting the three years for the State to pay back the money was that the State would probably pay it back on June 30, 2013, and immediately borrow it back again on July 1st.

Resolution No. 2009-138 was adopted approving participation in the Proposition 1A Securitization Program on motion by Councilmember Cordero, seconded by Councilmember Zacarias, and carried on the following vote:

AYES: Councilmembers Cordero, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: None

Resolution No. 2009-138 adopted. A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE, AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

CITY MANAGER'S REPORT

City Manager Ness reported on items anticipated for the October 20, 2009, City Council meeting including an ABC License for Thrifty/Rite Aid Drug, resolutions for two Police grants, and a Traffic Committee item.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Zacarias reported that on September 16th she was on KUHL radio; she was honored by the Santa Maria Women's Network; attended a People Helping People fundraiser in Solvang, the Discovery Museum annual event on September 20th, La Guitarra Days on September 25th, the Philharmonic Symphony at Grace Baptist Church on September 26th, and on October 1st, attended a meeting called Future Search.

Mayor Lavagnino reported he attended an INC meeting on September 16th; appeared on KSMA radio with Dominic Palera, attended the cornerstone rededication at the Library, and the Taste of Mexico fundraiser on September 18th; the City Employees Barbecue on September 19th; the Discovery Museum annual event on September 20th; the ribbon cutting ceremony for the Rabobank Rooftop Solar System and Solar-powered charging station on September 22nd; appeared on KSMA radio with Lynette Muscio on September 25th; attended the Cruisin' for Life Car Show and Dinner on September 26th; appeared on KSMA radio with Tim Owens and attended the Autumn Arts Grapes and Grains reception on October 2nd; read for the blind at the Library on October 3rd; appeared on KUHL radio with Ben Heighes and attended the badge pinning ceremony at Fire Station No. 1 on October 6th.

Councilmember Patino reported she attended the Cornerstone Rededication at the Library on September 18th; the City Employees BBQ on September 19th; a Fighting Back core management meeting and a Gang Task Force meeting on September 23rd; an underage drinking task force meeting on September 24th; a People for Non Violence meeting on September 25th; the Alzheimer's Walk at Waller Park on September 26th; read for the Blind at the Library on September 29th; attended the Pioneer High School Class Action on September 30th; the Autumn Arts Grapes and Grains Reception on October 2nd; appeared on KUHL radio with Ben Heighes; and attended the badge pinning ceremony at Fire Station No. 1 on October 6th.

Councilmember Cordero reported he presented a proclamation to Gene Martinez from the DA's office for his retirement on September 17th; attended the Taste of Mexico fundraiser on September 18th; the City Employees BBQ on September 19th; met with Utilities Engineer Steve Kahn to learn more about solid waste and attended a Boys & Girls Club meeting on September 23rd; a People for Non Violence meeting regarding Peace Week on September 25th; a joint meeting of the Regional Homeless Committee in Santa Barbara, the Cruisin' for Life Car Show and Dinner on September 26th; a meeting at the Santa Maria Inn for the Collaborative Leadership project; the Autumn Arts Grapes and Grains reception on October 2nd; the Autumn Arts Grapes and Grains Festival on October 3rd; and the badge pinning ceremony on October 6th.

CLOSED SESSION

The City Council recessed to a Closed Session at 7:35 p.m. to discuss Conference with Legal Counsel - regarding Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9 for Santa Maria Police Officers Association v. City of Santa Maria, Case No. 1316392; Norma Santana, Janice Bair v. City of Santa Maria, et. al, Case No. 1272651; and Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code - Agency Representative: Assistant City Manager - Employee Organizations: Santa Maria Police Officers Association (SMPOA); Service Employees International Union (SEIU), Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees.

Following the Closed Session, the following report was given:

Conference with Legal Counsel – Santa Maria Police Officers Association v. City of Santa Maria – A status report was given.

Conference with Legal Counsel – Norma Santana, Janice Bair v. City of Santa Maria, et al. – Direction to staff was given.

Conference with Labor Negotiators – SMPOA, SEIU, Fire Fighters Local 2020, Public Safety Managers, and Non-represented Management and Confidential Employees Group – Direction to staff was given.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 8:19 p.m.

APPROVED

October 20, 2009
Date

~~Chief~~ Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

~~Chief~~ Deputy City Clerk

Mayor of the City of Santa Maria